



CITY OF DETROIT
LAW DEPARTMENT

October 15, 2010

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Re: Johnathan Aaron Brown vs. City of Detroit
Case No. 10:CV-12162

Dear Counsel:

Enclosed please find Defendant's Response to Plaintiff's First Set of Requests to Admit along with a Certificate of Service relative to the above-captioned lawsuit.

Sincerely,

Dennis Burnett

Dennis Burnett
Assistant Corporation Counsel

DB:ml

Enclosure

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN, NORTHERN DIVISION**

JOHNATHAN AARON BROWN, on behalf of
himself and a class of others similarly situated,

Plaintiff,

v.

NO 1:10-CV-12162

Judge Ludington
Magistrate Judge Binder

CITY OF DETROIT,

Defendant.

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**DEFENDANT'S RESPONSE TO PLAINTIFF'S FIRST SET OF
REQUESTS TO ADMIT**

NOW COMES Defendant, City of Detroit, by and through its undersigned attorney and
for its Response to Plaintiff's First Set of Requests to Admit, says as follows:

1. Since at least January 1, 2006, the City of Detroit's practice has been to allow
people who are arrested without an arrest warrant to remain in custody for more than 48 hours

without a judicial determination of probable cause if there is no emergency or extraordinary circumstances.

ANSWER: Denied

2. Since at least June 1, 2007, the City of Detroit has required all persons arrested without an arrest warrant to be either released or to receive a judicial determination of probable cause within 48 hours of arrest.

ANSWER: The above is an accurate statement of the policy of the City of Detroit, Detroit Police Department for said time period

3. Since at least June 1, 2007, the City of Detroit has required all persons arrested without an arrest warrant to be either released or to receive a judicial determination of probable cause within 48 hours of arrest if there is no emergency or extraordinary circumstances.

ANSWER: The above is an accurate statement of the policy of the City of Detroit, Detroit Police Department for said time period.

4. Since at least January 1, 2006, the person or persons with final policymaking authority over the City of Detroit police department is (are) aware of the widespread practices of the City of Detroit police department.

ANSWER:4. The Defendant objects that the breadth and scope of the Request for Admission corresponding hereto renders same unanswerable. The Defendant specifically

objects to this Request for Admission because it does not ask about a specific "widespread practice" but about all widespread practices simultaneously. The Board of Police Commissioners sets policy for the DPD, some of or none of the commissioners may be aware of specific widespread practices of the DPD with respect to a particular issue. Some or all of the commissioners may be unaware of any particular widespread practice during the period of time stated.

5. Since at least January 1, 2006, the person or persons with final policymaking authority over the City of Detroit police department is (are) aware of the policies of the City of Detroit police department.

ANSWER:

The Defendant objects that the breadth and scope of the Request for Admission corresponding hereto renders same unanswerable. The Defendant specifically objects to this Request for Admission because it does not ask about a specific policies but about all policies simultaneously. The policies of the Detroit Police Department are determined by the Board of Police Commissioners which is composed of civilians serving staggered terms. However, every member may or may not be aware of each and every policy of the Detroit Police Department as they existed at any moment in time since January 1, 2006.

6. Since at least January 1, 2006, the person or persons with final policymaking authority over the City of Detroit police department is (are) aware of the customs of the City of

Detroit police department.

ANSWER:

The Defendant objects that the breadth and scope of the Request for Admission corresponding hereto renders same unanswerable inasmuch as "customs" are even more amorphous than policies (which themselves may be written or unwritten). The Defendant specifically objects to this Request for Admission because it does not inquire about a specific custom but about all customs simultaneously. It is doubtful that any single commissioner or the commission as a whole would be aware of all Detroit Police Department customs as they existed at any particular moment in time.

7. Since at least June 1, 2007, the person or persons with final policymaking authority over the City of Detroit police department is (are) aware of the widespread practices of the City of Detroit police department.

ANSWER:

The Defendant objects that the breadth and scope of the Request for Admission corresponding hereto renders same unanswerable inasmuch as "widespread practices" may be even more amorphous than customs. The Defendant specifically objects to this Request for Admission because it does not ask about a specific practice but about all practices simultaneously. It is doubtful that any single commissioner or the commission as a whole would be aware of all Detroit Police Department customs as they existed at any particular moment in time.

8. Since at least June 1, 2007, the person or persons with final policymaking

authority over the City of Detroit police department is (are) aware of the policies of the City of Detroit police department.

ANSWER:

The Defendant objects that the breadth and scope of the Request for Admission corresponding hereto renders same unanswerable. The policies of the Detroit Police Department are determined by the Board of Police Commissioners which is composed of civilians serving staggered terms. However, every member may or may not be aware of each and every policy of the Detroit Police Department at any particular moment during the period specified.

9. Since at least June 1, 2007, the person or persons with final policymaking authority over the City of Detroit police department is (are) aware of the customs of the City of Detroit police department.

ANSWER:

The Defendant objects that the breadth and scope of the Request for Admission corresponding hereto renders same unanswerable inasmuch as "customs" are even more amorphous than policies (which themselves may be written or unwritten). The Defendant specifically objects to this Request for Admission because it does not ask about a specific custom but about all customs simultaneously. It is doubtful that any single commissioner or the commission as a whole would be aware of all Detroit Police Department customs as they existed at any particular moment in time.

Respectfully submitted,



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Dated: **October 15, 2010**

CERTIFICATE OF SERVICE

I, Marcia Landrum, certify that on October 15, 2010, I served Defendant's Response to Plaintiff's First Set of Requests to Admit electronically and by first class mail to counsel of record for Plaintiff.



Marcia Landrum